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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,276	02/11/2005	Gabriel Ilan	28686	9993

7590 09/05/2007  
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EXAMINER
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NATNAEL, PAULO S M

ART UNIT	PAPER NUMBER
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2622

MAIL DATE	DELIVERY MODE
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09/05/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/524,276

Applicant(s)

ILAN ET AL.

Examiner

Paulos M. Natnael

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 24-26, 29-33, 35-45 and 47-73 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 35, 37, 43-45 and 47-73 is/are allowed.
- 6) ☒ Claim(s) 24-26 and 29-32 is/are rejected.
- 7) ☒ Claim(s) 33, 36 and 38-42 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_.

### DETAILED ACTION

1. In the previous office action, the Examiner requested that the status of certain claims be made clear. Specifically, the amendment received January 25, 2007 canceled claims 71-73 (see Remarks, page 9). And then, the same amendment also amended claim 71 to depend from claim 43 (See Claims, page 7 and 8) and left all claims (71-73) in the application (see pages 7-8). The applicant failed to even mention, let alone address, the above concern. The claims in effect were reinstated.

2. In the latest amendment (August 10, 2007), applicant claims to have amended claim 24 by adding claim 34 (which has been canceled in the latest amendment) to claim 24. However, as the amendment of August 10, 2007 clearly shows, the limitations of claim 34 were not added to claim 24. In fact, some limitations in claim 24 were eliminated, consequently making claim 24 broader [See the strikethrough in claim 24], not narrower, as the amendment was supposed to have done. Therefore, contrary to applicant's representative's remarks (see, Remarks, page 9) the "amendment" in effect fails to properly respond to the previous office action.

3. This Office Action corrects some inadvertent error by the examiner concerning the status of some claims. That is, since claims 36 and 38-42 depend from claim 24, claims 36 and 38-42 are objected to, not allowed.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims **24-26, 29-32** are **again** rejected under 35 U.S.C. 102(b) as being anticipated by Ciardullo et al., U.S. Patent No. 6,094,228.

Considering claim **24**, Ciardullo et al. (hereinafter, "Ciardullo") discloses a method of encoding data in the visible portion of a transmitted video signal without degrading display of the received video signal, and for decoding the data in the received video signal. Each group of data bits to be transmitted, referred to a data symbol, is associated with one of a number of longer predetermined sequences of chips. Each chip sequence is divided into a multiplicity of lines of chips, and each line of chips together with its inverse are embedded, in pairwise fashion, in respective pairs of line scans of the video signal prior to its transmission. Received pairs of line scans are operated upon to detect the lines of chips they represent, and each of the number of chip sequences is correlated with the detected line of chips to derive a correlation magnitude. The chip sequence with the largest correlation magnitude is selected as the chip sequence whose data symbol was transmitted. (See Abstract of disclosure). Ciardullo further discloses that the video signal with the superimposed data can be detected optically, as in the above-identified Broughton et al. patent, or it can be

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detected electrically by operating on the video signal directly. See, col.16, line 58+.

Furthermore, on Fig.3 Ciardullo discloses an apparatus for encoding a video signal. As illustrated in Fig.5, the system of Ciardullo discloses a decoder. Thus, Ciardullo discloses all claimed subject matter. As to the claimed "said blending comprises invisibly blending such that said data for optical detection is substantially invisible to a user", as the applicant admitted Ciardullo discloses invisibly embedding data on the visible portion of a video signal. (See, page 1, specification) Invisibly encoding or embedding data was known from the patent of Broughton as discussed by Ciardullo. Thus, Ciardullo discloses all claimed subject matter.

Considering claims **25-26**, Ciardullo discloses the encoder Fig.3 which encoder determines where in the viewable portion of the video signal to encode the signal.

Considering claims **29-31**, any viewable portion of the video signal on the screen would inherently be rectangular.

Considering claims **32**, Ciardullo discloses color modulation. See, Col. 17, lines 39+.

***Allowable Subject Matter***

6. Claims **35, 37, 43-45** and **47-73** remain allowed.

7. Claims **33, 36,38-42** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

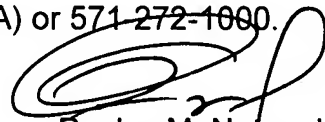
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paulos M. Natnael whose telephone number is (571) 272-7354. The examiner can normally be reached on 8AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571)272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Paulos M. Natnael  
Primary Patent Examiner  
Art Unit 2622

August 23, 2007